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THE COMING CONGRESSIONAL ATTACK ON THE ANTIQUITIES ACT

For the far right, Ryan Zinke's national monument review is just the beginning.

JIMMY TOBIAS · SEP 25, 2017

As most everyone knows by now, the *Washington Post* published a leaked Department of the Interior memo last week that contained recommendations from Ryan Zinke urging President Donald Trump to radically shrink the size of four national monuments in the American West and strip conservation protections from half a dozen others. Should Trump choose to act on the secretary of the interior's advice, it would mark one of the greatest rollbacks of conservation safeguards on public land in American history, potentially opening millions of federally managed acres to increased industrial development and natural resource extraction.

Public lands defenders, of course, are outraged. Backcountry Hunters and Anglers, a nationwide network of conservation-minded sportsmen and women, called the Department of the Interior report "a sellout to industry." The Wilderness Society decried it as "a callous proposal" that "will needlessly punish local, predominately rural communities that depend on parks and public lands for outdoor recreation, sustainable jobs and economic growth." And the Center for Biological Diversity declared that, "if Teddy [Roosevelt] were alive today, he'd declare political war on Zinke and Trump."

Yet, when it comes to the ongoing assault on the Antiquities Act of 1906, Zinke's national monument review is merely an opening salvo. Tucked away at the very end of the leaked memo, after all, one finds this portentous sentence: "[It] is also recommended that you request that Congress clarify the limits of Executive power under the Act and the intent of Congress pertaining to land use when a monument is placed over another other [sic] Federal land-use designation."

In his recommendations, then, Zinke isn't simply calling on Trump to unilaterally shrink national monuments and weaken protections on hundreds of thousands of acres of public land. He is also exhorting the president to team up with Congress to undermine the Antiquities Act itself. And, indeed, a legislative assault on the law is already underway.

ZINKE'S NATIONAL MONUMENT REVIEW MAY HAVE BEEN A FARCE AND A SHAM, BUT IT WAS RELATIVELY EFFECTIVE IN INTENSIFYING AND AMPLIFYING THE CONTROVERSY SURROUNDING THE ANTIQUITIES ACT.

In early January, just days after the 115th Congress convened, anti-conservationists in both the House of Representatives and the Senate introduced a series of bills that, if signed into law, would essentially gut the Antiquities Act. S.33, a bill sponsored by Senator Lisa Murkowski (R-Alaska), would require the president to obtain approval from both Congress and relevant state legislatures before designating new national monuments across the country. Senator Mike Crapo (R-Idaho), meanwhile, introduced his own competing bill, S.132, which seeks to revise the Antiquities Act in a similar manner. And H.R. 2284, in the House, is a companion to Crapo's proposal. Together, these "reforms" would all but eradicate the executive branch's ability to protect public lands by declaring them national monuments. Given the gridlocked and corrupt state of our current Congress, such alterations to the Act would ensure that new monuments almost never get designated.

While these proposals make their way through Washington, many of the billionaire-backed think tanks and advocacy groups that were most adamant in promoting the Trump administration's national monument review—organizations liked Utah's Sutherland Institute, Montana's Property and Environment Research Center and the Heritage Foundation, among others—now appear to be gearing up to advocate for congressional action too. In fact, public lands opponents have been vigorously promoting the idea for months.

Terry Anderson, for instance, a senior fellow at the Koch-linked, dark money-backed Property and Environmental Research Center, [took to the pages of Forbes](#) in mid-September to call on the White House to alter the Antiquities Act outright.

"After the president acts on Zinke's review and the wilderness-hungry environmentalists hike into the courtrooms," he wrote, "Congress should go to work reforming legislation in ways that return land management to federal and state professionals." Anderson goes on to advocate for similar "reforms" that anti-conservationists in Congress are presently proposing.

Meanwhile, Matthew Anderson, a staffer at the (also Koch-linked) Sutherland Institute, [co-authored an article](#) in the *Hill* in late August that also advocates for a rewrite of the Antiquities Act.

"It is time to reform the Antiquities Act into a law by, of and for the people where constitutional safeguards protect antiquities and secure the future of rural Americans," he and his co-author, the free market activist Amy Oliver Cooke, wrote. Like their fellow traveler Terry Anderson, they then proceed to propose the very same reforms that congressional Republicans are pushing.

Other groups that are actively agitating for Antiquities Act "reform" include the Heritage Foundation, the American Legislative Exchange Council, Americans for Prosperity, and the State Policy Network, all extremely wealthy, far-right organizations that have received enormous financial support from funds tied to the Koch brothers and their political allies.

As an [article in Roll Call](#) recently noted, conservatives are explicitly using Zinke's monument review, which they believe did not go far enough, as an excuse to destroy the Antiquities Act as we know it.

Shortly after Zinke submitted his monument review to the White House, Representative Rob Bishop (R-Utah), the chairman of the House Committee on Natural Resources, told reporters, "If we don't reform the Antiquities Act, we will have a replication of failures. ... If the procedure is flawed, the product is going to be flawed."

It seems clear what is happening here: Zinke's national monument review may have been a farce and a sham, but it was relatively effective in intensifying and amplifying the controversy surrounding the Antiquities Act. And if the review is ultimately blocked by a court challenge, which is probable, then anti-public-lands activists may still be able to use the buzz and momentum that it has generated to encourage their allies in Congress to move against the act.

In a statement last week, Representative Raúl Grijalva (D-Arizona), the ranking Democrat on the House Natural Resources Committee, issued this warning about the coming congressional attack on one of our country's oldest conservation laws: "Republicans in Congress want to reform the Antiquities Act just like they want to reform the Affordable Care Act," he said. "That term is Republican-speak for trying to destroy a popular and effective law in order to serve the Koch brothers."